Atty. Dkt. No. 023720-0338



Applicant:

Richter et al.

Title:

**MERCHANDISING SYSTEM** 

Appl. No.:

10/659,736

Filing Date:

09/10/2003

Examiner:

To be determined

Art Unit:

To be determined

CERTIFICATE OF EXPRESS MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450. EL 979077374 US 12/15/03 (Date of Deposit) (Express Mail Label Number) Roberta A. Cooper (Printed Name)

## INFORMATION DISCLOSURE STATEMENT **UNDER 37 CFR §1.56**

Mail Stop Mail Stop MISSING PARTS Commissioner for Patents PO Box 1450 Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a prima facie art reference against the claims of the present application.

## TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

## RELEVANCE OF EACH DOCUMENT

All of the documents are in English.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

Respectfully submitted,

Date 12/15/03

**FOLEY & LARDNER** 

777 East Wisconsin Avenue, Suite 3800 Milwaukee, Wisconsin 53202-5306

Telephone:

(414) 297-5872

Facsimile:

(414) 297-4900

Scott M. Day

Attorney for Applicant Registration No. 52,801

MODIFIED PTO/SB/08 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control

	Substitute for	form 1449B	MPTO O I PE		Complete if Known		
	INFORMATIO	N DISCLO	SURE *	Application Number	10/659,736		
	STATEMENT			Filing Dat	09/10/2003		
	Data Submitted:	Dasamba	\$15,0FC 3. 5 2003	First Named Invent r	Gary M. Richter		
	Date Submitted.	December	10, 2003	Group Art Unit	To be determined		
	(use as many sh	neets as ne	essary)	Examiner Name	To be determined		
Sheet	1	of.	RADMARK	Attorney Docket Number	023720-0338		

				U.S. PATENT DOCUMENTS	3	
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		No. of D. A. aliana A. ali	Date of Publication of	Pages, Columns, Lines, Where Relevant
		Number	Kind Code <sup>2</sup> (if known)	Name of Patentee or Applicant of Cited Document	Cited Document MM-DD-YYYY	Passages or Relevant Figures Appear
	A1	5,855,283		Johnson	01-05-1999	
,	.A2	5,769,248		Johnson	06-23-1998	

					FC	REIGN PATENT DOCUMEN	TS		
Examiner Initials*	Cite No. <sup>1</sup>	For Office <sup>3</sup>	eign Patent D Number <sup>4</sup>	ocumen Kind C (if kno	ode⁵	Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sub>6</sub>
									-
									┼
									1

NON PATENT LITERATURE DOCUMENTS							
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.					
,	·						

. 001,1541976,1		
Examiner Signature	Date Cons	idered

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>&</sup>lt;sup>1</sup> Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.